



W.P.(MD).No.6441 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.6441 of 2023

The Correspondent,
R.C.Little Flower Primary School,
Kavadakara Street,
Dindigul,
Dindigul District-624 001.

... Petitioner

Vs.

1. The Director of Elementary Education,
O/o.the Director of Elementary Education,
DPI Complex, Nungampakkam,
Chennai.

2. The District Educational Officer (Elementary),
O/o.the District Educational Officer ,
Dindigul,
Dindigul District.

3. The Block Educational Officer,
Dindigul Urban,
Dindigul,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of ***Writ of Mandamus***, to call for the records pertaining to the impugned order in O.Mu.No. 462/Aa2/2023, --.02.2023, signed on 23.02.2023 on the file of the 2nd Respondent and quash the same as illegal and consequently to direct the Respondents to approve the appointment of Miss.K.Hemalatha on 02.01.2023 as the Secondary Grade Teacher in the petitioner school within the time stipulated by this Court.



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For Petitioner : Mr.S.Louis

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. This writ petition is filed to quash the impugned order, dated 23.02.2023 with consequential relief to approve the appointment of Miss.K.Hemalatha on 02.01.2023 as the Secondary Grade Teacher in the petitioner's school.

3. The petitioner school belongs to Servite Generalate, a Corporate Management. The school is running in the name and style of 'R.C. Little Flower Primary School', Dindigul. The Corporate Management is having several schools all over Tamil Nadu. A vacancy arose since one S.Josephin Sahaya Mary was retired from service on 31.05.2022, from the Petitioner's school.

4. The Learned Additional Government Pleader appearing for the respondents submitted that there are 123 surplus teachers in Dindigul District in Aided Schools both minority and non-minority and in



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Government schools. The surplus teachers in the Aided schools both minority and non-minority is 116.

5. Therefore, the 1st respondent is directed to prepare a list of surplus teachers in Dindigul District. Also, a separate list of surplus teachers who is working nearby petitioner's school. The 2nd respondent shall serve the copy of the lists to the Corporate Management, thereafter the Corporate Management shall select the candidate from the said list and appoint the said surplus teacher in the vacancy that arose due to the retirement vacancy of S.Josephin Sahaya Mary.

6. In view of the above direction, the petitioner's school cannot seek approval of appointment of K.Hemalatha as Secondary Grade Teacher. The official respondents are restrained from granting any approval until the surplus teachers comes to "Nil" as held in Judgment passed by this Court, dated 09.04.2019 in W.A.(MD)Nos.76 of 2019 batch. The respondents shall scrupulously follow the above directions and depute the surplus teachers to needy school. The said exercise shall be completed within a period of two weeks, from the date of receipt a copy of the order.



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7. With these directions, this Writ Petition is dismissed. No

Costs.

Index : Yes / No
Internet : Yes
ksa

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S.SRIMATHY, J

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**Order made in
W.P.(MD)No.6441 of 2023**

27.03.2023